

DEPARTMENT OF HEALTH

Amendment and Compilation to Chapter 11-141  
Hawaii Administrative Rules

September 10, 1993

SUMMARY

1. §11-141-1 to 6 are amended.
2. §11-141-7 is renumbered as §11-141-15.
3. §11-141-8 is repealed.
4. §11-141-9 to 14 are added.
5. §11-141-15 is amended.
6. Chapter 11-141 is compiled.

"HAWAII ADMINISTRATIVE RULES

TITLE 11

DEPARTMENT OF HEALTH

CHAPTER 141

MIDWIVES

Subchapter 1 General Provisions

§11-141-1 Purpose  
§11-141-2 Definitions  
§11-141-3 Professional requirements

Subchapter 2 License Required

§11-141-4 License required  
§11-141-5 Issuance of license

Subchapter 3 License Renewal

§11-141-6 Annual registration  
§11-141-7 Renumbered  
§11-141-8 Repealed  
§11-141-9 Notice  
§11-141-10 Inactive status  
§11-141-11 Return to active status  
§11-141-12 Right to proceed

Subchapter 4 Disciplinary Actions and Penalties

§11-141-13 Grounds for disciplinary actions  
§11-141-14 Voluntary surrender of license  
§11-141-15 Revocation or suspension of licenses;  
probation

SUBCHAPTER 1

GENERAL PROVISIONS

§11-141-1 Purpose. The purpose of this chapter is to define and regulate the practice of midwifery in the State and to establish procedures to license qualified midwives. [Eff 8/16/84; am and comp ]  
(Auth: HRS §321-391) (Imp: HRS §321-396)

§11-141-2 Definitions. As used in this chapter:  
"Collaboration" means there is a clinical practice relationship between the physician and the certified midwife which provides for:

- (1) Mutually agreed upon written medical guidelines/protocols for clinical practice which define the individual and shared responsibilities of the certified midwife and the physician in the delivery of health care services;
- (2) Mutually agreed upon written medical guidelines/protocols for ongoing communication which provide for and define appropriate consultation between the physician and the certified midwife;
- (3) Informed consent about the involvement of the physician, certified midwife, and other health care providers in the services offered;
- (4) Periodic and joint evaluation of services rendered, e.g., chart review, case review, patient evaluation, and review of outcome statistics; and
- (5) Periodic and joint review and updating of written medical guidelines/protocols.

"Department" means the department of health.

"Director" means the state director of health.

"Gynecological services" means providing health maintenance, family planning, and the treatment of diseases of the female genital tract.

"Health care delivery system" means those elements which work together to meet all the health care requirements of the patient. The system includes but is not limited to the midwife, the physician, their

consultants, the hospital, special services of the department or the department of human services, special diagnostic services, and other support services as needed.

"Midwife" means a registered nurse who is educated in the disciplines of nursing and midwifery, certified by the American College of Nurse-Midwives, capable of providing care for normal women and newborn infants before, during, and after pregnancy and childbirth, and engages in the practice of midwifery in collaboration with a physician.

"Normal" means without significant medical complications or injury to the mother or child.

"Obstetrical care" means diagnostic and treatment services related to pregnancy and delivery of the newborn infant.

The "practice of midwifery" means the care and management of essentially normal newborns and women before, during, and after pregnancy and childbirth, and includes the provision of normal obstetrical and gynecological services and the rendering, undertaking, or providing of such care, management, or services, within the health care delivery system regardless of whether compensation or profit is received. [Eff 8/16/84; am and comp ]

(Auth: HRS §321-396) (Imp: HRS §321-396)

§11-141-3 Professional requirements. A person must meet the following requirements in order to qualify for a license to practice as a midwife:

- (1) Licensure as a registered nurse in the State of Hawaii pursuant to chapter 457, Hawaii Revised Statutes; and
  - (2) Certification in midwifery from the American College of Nurse-Midwives.
- [Eff 8/16/84; am and comp ]  
(Auth: HRS §321-394) (Imp: HRS §321-394)

## SUBCHAPTER 2

### LICENSES

§11-141-4 License required. (a) No person shall engage in the practice of midwifery pursuant to chapter 321-392, Hawaii Revised Statutes, unless the person is the holder of an active license under this chapter or as otherwise authorized by law.

(b) The department shall issue a license to practice midwifery to any person who qualifies under chapter 321, part XXXI, Hawaii Revised Statutes, and this chapter.

(c) Every holder of a midwifery license shall comply with the provisions of chapter 321, part XXXI, Hawaii Revised Statutes, and this chapter.

(d) Nothing in this chapter shall prohibit any person licensed in this State from engaging in any other occupation for which the person is licensed.

[Eff 8/16/84; am and comp ]  
(Auth: HRS §321-394) (Imp: HRS §321-394)

§11-141-5 Issuance of license. The department shall, subject to chapter 321, part XXXI, Hawaii Revised Statutes, and this chapter, issue a license to any individual who meets the requirements of this chapter and who submits a written application in the form prescribed by the department together with the prescribed fee of \$15.00. [Eff 8/16/84; am and comp ] (Auth: HRS §92-28, §321-394) (Imp: HRS §321-394)

## SUBCHAPTER 3

### LICENSE RENEWAL

§11-141-6 Annual registration. (a) All licensees desiring to continue to practice midwifery shall re-register annually on or before January 31st by submitting an application furnished by the department and submitting a fee of \$3.00.

§11-141-6

(b) Failure to re-register by March 3rd shall

constitute a forfeiture of the person's license; provided that the license shall be restored upon written application therefor together with the payment of all delinquent fees and an additional late registration fee that may be established by the director. [Eff 8/16/84; am and comp ]  
(Auth: HRS §92-28; §321-394) (Imp: HRS §§321-393; 321-394)

§11-141-7 Renumbered as §11-141-15.

§11-141-8 REPEALED. [Eff 8/16/84;  
R 9/10/93]

§11-141-9 Notice. Notices to renew licenses shall be sent annually by the department to holders of active licenses to the address of record. Failure to receive the notice shall not be a valid reason for non-renewal. [Eff and comp ]  
(Auth: HRS §321-396) (Imp: HRS §321-396)

§11-141-10 Inactive status. Licensees who do not intend to practice midwifery in the State may request inactive status by submitting a written request to the department. [Eff and comp ]  
(Auth: HRS §§321-393, 321-396) (Imp: HRS §321-393)

§11-141-11 Return to active status. Return to active status shall require written notice to the department, payment of the current renewal fee, and fulfillment of the current licensing requirements. [Eff and comp ] (Auth: HRS §§ 321-393, 321-396.) (Imp: HRS §321-393)

§11-141-12 Right to proceed. Placing a midwife on inactive status shall not deprive the department of jurisdiction to proceed with disciplinary proceedings pursuant to chapter 91, HRS, and chapter 11-1, rules of practice and procedure. [Eff and comp ] (Auth: HRS §§321-393, 321-396) (Imp: HRS §321-393; Chapter 91; Chapter 11-1)

§11-141-14

#### SUBCHAPTER 4

#### DISCIPLINARY ACTIONS AND PENALTIES

§11-141-13 Grounds for disciplinary action. The following acts shall be grounds for disciplinary action:

- (1) Procuring or attempting to procure a license to practice midwifery by fraud, misrepresentation, deceit, or bribery;
- (2) Engaging in unprofessional conduct, which includes, but is not limited to, any departure from, or failure to conform to, the standards of practice of midwifery as established by the director or as provided by the statement of functions, standards, and qualifications of the American College of Nurse-Midwives;
- (3) Advertising falsely, fraudulently, or deceptively;
- (4) Being unable to practice midwifery with reasonable skill and safety to patients by reason of illness, drunkenness, or use of drugs, narcotics, chemicals, or other materials, or as a result of any mental or physical condition;
- (5) Wilfully or repeatedly violating any provision of this chapter, or any lawful order of the department previously entered in a disciplinary proceeding;
- (6) Loss of licensure, for any reason, to practice as a registered nurse in the State; and
- (7) Having a license to practice midwifery revoked, suspended, or otherwise acted against, including being denied licensure, by the licensing authority of another state, territory, or country.

[Eff and comp ] (Auth: HRS §321-397) (Imp: HRS §321-397)

§11-141-14 Voluntary surrender of license. Voluntary surrender of license to practice midwifery or placing the midwifery license on inactive status shall not deprive the department of jurisdiction to proceed with disciplinary proceedings pursuant to chapter 91, HRS, and chapter 11-1, rules of practice and procedure. §11-141-15

§11-141-15 Revocation or suspension of licenses; probation. (a) Any license issued under this chapter may be revoked or suspended by the department at any time as provided in section 11-141-13.

(b) All actions under this section shall be taken only after notice and opportunity for hearing as provided by chapter 91, HRS." [Eff 8/16/84; ren §11-141-7, am and comp ] (Auth: HRS §§321-393, 321-394, 321-395) (Imp: HRS §321-393)





Amendments to and compilation of chapter 11-141, Hawaii Administrative Rules, on the summary page dated 9-10-93, were adopted on September 10, 1993, following public hearings held on Oahu on July 7, 1993; in Hilo, Hawaii on July 20, 1993; in Kona, Hawaii on July 27, 1993; on Maui on July 12, 1993; and on Kauai on July 8, 1993, after public notice was given in the Honolulu Advertiser on June 9, 1993 with amendment on June 14, 1993; the Hawaii Tribune Herald on June 9, 1993 with amendment on June 14, 1993; the Maui News on June 9, 1993 with amendment on June 14, 1993, and the Kauai Times on June 9, 1993.

These amendments shall take effect ten days after filing with the Office of the Lieutenant Governor.

JOHN C. LEWIN, M.D.  
Director, Department of Health

APPROVED AS TO FORM:

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Deputy Attorney General

JOHN WAIHEE  
Governor  
State of Hawaii

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Filed